

REMARKS

In the present amendment, claims 1, 16 and 17 have been amended. Accordingly, claims 1-17 and 19-21 are pending in the application with claims 1, 2, 3, 4, and 7 being independent. Of the pending claims, claims 1 and 5-17 are under consideration and claims 2-4 and 19-21 are deemed withdrawn from consideration.

Applicants note that claims 1, 16, and 17 have been amended to even more clearly define the claimed invention. No new matter has been added.

Response to Rejections under 35 U.S.C. § 112, second paragraph

The Office Action rejects claims 1 and 5-18 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

In response, Applicants respectfully note that claims 1, 16, and 17 have been amended. Applicants respectfully request withdrawal of the rejection.

Response to Rejection under 35 U.S.C. § 102(a)

The Office Action rejects claims 1 and 7-18 under 35 U.S.C. § 102(a) as allegedly being anticipated by US 2005/0123532 to Kouno et al., hereinafter “KOUNO.”

In response, Applicants hereby perfect the claim of priority to JP 2002-370822, filed December 20, 2002. A verified English language translation of JP 2002-370822 is submitted herewith.

Applicants respectfully request the Examiner to review the English translation of JP 2002-370822 to consider its effect on the outstanding rejections over KOUNO. Applicants respectfully submit that, having perfected priority, KOUNO is unavailable as a reference, and respectfully request withdrawal of the rejection.

Rejection under 35 U.S.C. § 103(a)

The Office Action rejects claims 1 and 5-17 under 35 U.S.C. § 103(a) as allegedly being unpatentable over KOUNO in view of U.S. Patent No. 5,130,418 to Thompson, hereinafter "THOMPSON."

Applicants respectfully request the Examiner to review the English translation of JP 2002-370822 to consider its effect on the outstanding rejections over KOUNO. Applicants respectfully submit that, having perfected priority, KOUNO is unavailable as a reference, and respectfully request withdrawal of the rejection.

Response to Double Patenting Rejection

The Office Action rejects claims 1 and 7-18 on the ground of non-statutory obviousness type double patenting as allegedly being unpatentable over claims 1, 3, 10, 12, 14, 16, and 17 of co-pending Application No. 10/497,516.

Applicants maintain that the present claims are not obvious in view of the claims of 10/497,516. However, in order to advance prosecution of the application and without expressing agreement with or acquiescence to the rejection, Applicants submit herewith an unexecuted Terminal Disclaimer. Applicants will provide an executed Terminal Disclaimer shortly.

CONCLUSION

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections of record, and allow each of the pending claims. Applicant therefore respectfully requests that an early indication of allowance of the application be indicated by the mailing of the Notices of Allowance and Allowability.

Respectfully submitted,
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